

March 29, 1985

MEMORANDUM

SUBJECT: Implementation of Dioxin Listing Regulation

FROM: Michael B. Cook
Dioxin Management Coordinator

TO: Regional Dioxin Policy Coordinators

Compliance dates under EPA's hazardous waste listing of dioxins are rapidly approaching. I want to alert you to several actions we are taking to support implementation of this regulation.

We are working with several trade associations to help them advise their members concerning the upcoming compliance dates and the extent of coverage of the regulation. Key compliance dates are:

- By April 15, 1985 all persons who handle the wastes listed in the dioxin listing must notify EPA or their authorized State. This includes facilities which have already notified EPA because they are handling other hazardous wastes, companies who have previously submitted a TSCA "Vertac" notification and EPA contractors who handle these wastes.
- All existing hazardous waste management facilities which qualify to manage these wastes under interim status must submit to EPA a new or revised Part A permit application by July 15, 1985 (The existence of a mobile incinerator at a facility should be reflected in that facility's Part A application).
- After July 15, 1985 management of these wastes will be limited by the requirements established in the regulations.

The attached "Questions and Answers" on the scope of coverage of the regulation may help you in responding to questions from the regulated community regarding the scope of coverage of the regulation.

We are taking steps to assure that approved capacity is available to manage these wastes properly.

Faxback 11065

We have provided in the regulations an accelerated approval process, called certification, for interim status incinerators and other thermal treatment units. We are preparing guidance to help expedite certification and permitting of dioxin facilities. This guidance, which will be available to all interested parties, will address procedural issues such as how to certify/permit incinerators or thermal treatment units as well as technical requirements. We are working with industrial and State associations to encourage the private sector to respond with needed waste management capacity. Finally, we stand ready to provide expedited technical assistance and Headquarters reviews.

I ask that you and your staff take the initiative and work within your Region to ensure adequate capacity for managing dioxin wastes. You should, for example, identify those facilities that can manage dioxin wastes well, and encourage them to apply for necessary Federal, State and local permits. You should work closely with them to expedite their applications. You also should emphasize to the public and State and local governments the need for capacity and our confidence in the safeguards provided by our regulations.

Attachment

cc: William Hedeman, OERR
Gene Lucero, OWPE
Eric Bretthauer, ORD
Waste Management Division Directors, Regions I-X

CERIFICATION OF SOME QUESTIONS RAISED CONCERNING
THE RCRA "DIOXIN" LISTING.

- Question: What processes are covered by EPA Hazardous waste listing F020?
- Answer:
 - wastes from the synthesis or formulation of tri- or tetrachlorophenols.
 - wastes from the synthesis or formulation of compounds made from tri- or tetrachlorophenols, such as chlorophenoxy acids, or the ester, ether, amine and other salt derivatives of these chlorophenoxy acids. (The listing is limited to those products which are pesticide derivatives of tri- or tetrachlorophenols).

Thus, wastes resulting from the production or formulation of chemicals such as 2,4,5-T, 4-chlorophenyl 2,4,5-trichlorophenyl sulfone (tetradifon), or the alkylamine salt of 2,4,5 trichlorophenoxy acetic acid, are subject to the "dioxin" regulation.

- Question: What processes are covered by EPA Hazardous Waste listing F023 ("contaminated equipment" listing)?
- Answer:
 - wastes resulting from any process that is carried out on equipment that was previously used for:
 - synthesis or formulation of tri- or tetrachlorophenols.
 - synthesis or formulation of compounds made from tri- or tetrachlorophenols, such as chlorophenoxy acids, or the ester, ether, amine and other salt derivatives of these chlorophenoxy acids.

(The processes covered by EPA Hazardous Waste NO. 023 are the same as those included in EPA Hazardous Waste F020.)

Thus, wastes resulting from use of equipment that was previously used for the production or formulation of compounds such as the ethanolamine salt of silvex, or of tetrachlorophenols, are subject to the "dioxin" regulation.

- Question: please indicate which wastewaters are covered by EPA Hazardous Waste listings F020, F021, F022, F023, and F026.

- Answer: None of the wastewater resulting from the manufacturing processes in these listings is subject to this regulation. (These wastewaters may still be hazardous if they contain another listed waste, or exhibit one or more of the characteristics of hazardous waste.) Sludges resulting from their treatment, however, are subject to the regulation, and thus are acute hazardous waste. Sludges from wastewater resulting from the purification of hydrogen chloride are not subject to the "dioxin regulation".

- Question: Is packaging considered part of the formulating process defined in the "dioxin regulation"?

- Answer: For the purposes of the "dioxin regulation", the Agency considers that packaging is not a part of the formulating process. Thus, the wastes resulting from packaging of a formulated mixture are not subject to regulation; nor are wastes generated on equipment used solely to package pesticide formulations. (Those wastes may still be subject to regulation, however, if they exhibit one or more of the hazardous waste characteristics, or contain another listed waste.)

- Question: If an equipment train contains one unit that was previously used in a process listed in the "dioxin regulation", the waste resulting from that process is EPA Hazardous Waste F023 or F026. Will the removal of that one unit render the process train and the wastes subsequently generated not subject to the "dioxin regulation"?

- Answer: Yes. If the unit in question is removed, the wastes subsequently generated are not considered to be acute hazardous wastes, and thus not subject to the "dioxin regulation".